

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF JACQUELINE NELSON et al.,	:	
	:	
Plaintiffs,	:	21-CV-7811 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
HERMAN MILLER, INC. et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

On August 19, 2022, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure and a motion to transfer pursuant to 28 U.S.C. § 1404(a). Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **September 12, 2022**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.


If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file new motions to dismiss and/or transfer (albeit supported by a single, consolidated memorandum of law not to exceed 35 pages); or (3) file a letter on ECF stating that they rely on the previously filed motions to dismiss and transfer. If Defendants file an answer or new motions, the Court will deny the previously filed relevant motion(s) as moot. If Defendants file a new motion to dismiss or motion to transfer, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition, subject to the page limitations described below.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motions by **September 12, 2022**. Plaintiffs shall file a single memorandum of law, not to exceed 35 pages, responding to both motions. Defendants' **consolidated** reply, if any, shall be filed by **September 19, 2022**. Mindful that Defendants' memorandum of law in support of the motion to dismiss exceeds the page limit stated in Paragraph 3.D of the Court's Individual Rules and Practices, Defendants' consolidated reply is limited to 10 pages.

Finally, the Clerk of Court is directed to lift the stay that the Court imposed on November 29, 2021. *See* ECF No. 50.

SO ORDERED.

Dated: August 23, 2022
New York, New York



JESSE M. FURMAN
United States District Judge